

United States Court of Appeals For the First Circuit

Nos. 23-1696
23-1741

IN RE: THE CHAUBUNAGUNGAMAUG NIPMUCK TRIBE,

Petitioner - Appellant.

Before

Barron, Chief Judge,
Gelpí and Montecalvo, Circuit Judges.

JUDGMENT

Entered: March 22, 2024

The "motion to consolidate" Appeal Nos. 23-1696 and 23-1741 is granted. The appeals are consolidated. The court has considered together all the filings made in the two proceedings up to this point.

Previously, the court entered orders to show cause flagging concerns regarding legal representation and the signatory of the operative notices of appeal. "Gary R. McCann, Policy Consultant," who signed the operative notices of appeal, has responded to those orders to show cause, offering general arguments as to why entities like The Chaubunagungamaug Nipmuck Tribe should be permitted to proceed in federal court through layman representatives. However, what McCann has not explained and has not documented, in filings in this court and/or in filings in the district court, is the source of any authority for McCann, in particular, to represent the interests of The Chaubunagungamaug Nipmuck Tribe, or any entity related thereto, in this proceeding. In the district court, McCann filed exhibits perhaps suggesting that a state court previously had allowed such representation, but he has provided no documentation suggesting that he is authorized to represent the interests of any specific entity in this federal matter. Faced with the order to show cause referenced above, which, again, called the validity of the operative notices of appeal into question, it was incumbent upon McCann to address these matters. See Fed. R. App. P. 3 & 4(a) (notice of appeal requirements); Woo v. Spackman, 988 F.3d 47, 53 (1st Cir. 2021) (reminding "that the burden of establishing jurisdiction must fall to the party who asserts it"); see also In re Fin. Oversight & Mgmt. Bd. for Puerto Rico, 52 F.4th 465, 477 (1st Cir. 2022) ("And when appellate jurisdiction has been called into question . . . this court will generally consider only the rationales offered by the party invoking the court's jurisdiction.").

Accordingly, the appeals are dismissed. See Local Rule 27.0(c) (summary disposition). All other pending motions, to the extent not mooted by the foregoing, are denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

Chaubunagungamaug Nipmuck Tribe